

Remarks

Examiner Thu V. Huynh of *USPTO* Art Unit 2178 attempted to reach Applicant on several occasions to discuss the allowability of United States Patent Application Serial Number 10/659,343. Applicant was (very) regrettably not available due to dire circumstances beyond Applicant's control. An interview (telephonic) was eventually conducted between approximately 1:45 to 2:00 pm on November 21, 2005 with the delay being entirely the fault of Applicant's, who wishes to sincerely apologize for any inconvenience that delay may have caused Examiner Thu Huynh.

During the interview Examiner indicated the following:

- claims discussed => claims 1-2 : independent claim 1 & dependant claim 2; which should be rewritten such that the limitation of dependant claim 2 is incorporated into independent claim 1
- a terminal disclaimer should also be filed to disclaim the terminal portion of any patent granted on this application which would extend beyond the expiration of date of US Patent No. 6,678,864.

Applicant agreed to do as instructed.

Applicant also asked permission to add new Apparatus claims derived from allowed or allowable Method claims. Examiner indicated that that would be permissible so long as

the new Apparatus claims faithfully mirror the allowed Method claims without introducing new issues. Applicant agreed.

In view of the preceding:

Please cancel claims 1 and 2 without prejudice.

Please add new claim 3 which is simply just-cancelled independent claim 1 rewritten to incorporate the limitation of just-cancelled dependant claim 2.

Please add new claim 4 which is simply just-cancelled independent claim 1 rewritten to recite an Apparatus (as opposed to a Method).

Please add new claim 5 which is simply just-cancelled dependent claim 2 rewritten to recite an Apparatus (as opposed to a Method).

Please add new claim 6 which is simply new claim 3 rewritten to recite an Apparatus (as opposed to a Method).

Terminal Disclaimer

Included herewith is also a completed and signed PTO/SB/26 form (Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent); and a check for \$65 which is the "Small Entity" Terminal Disclaimer fee in accordance with 37 CFR 1.20(d).

Additional Comment

During the interview Applicant revealed a desire to cancel Claims 1-2 (without prejudice) in order to submit new claims directed at different matter for examination, but decided to do so via the filing of a Continuation instead. Applicant genuinely appreciates the sincerity of Examiner in attempting to reach Applicant to move the instant case toward allowance and truly regrets the delays (unavoidably) arising from Applicant's side.